

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7288

BILL NUMBER: SB 417

DATE PREPARED: Jan 7, 2002

BILL AMENDED:

SUBJECT: Division of Water Enforcement procedures.

FISCAL ANALYST: Bernadette Bartlett

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides for administrative enforcement for violations under the jurisdiction of the division of water of the department of natural resources. The bill sets limits on the amounts of civil penalties that may be assessed for violations and provides that certain violations are misdemeanors.

Effective Date: July 1, 2002.

Explanation of State Expenditures: This bill should have no fiscal impact on the Department of Natural Resources. The Department should be able to absorb any additional administrative costs given its current budget.

The Division Director may request the Attorney General to institute a civil action for relief in an appropriate county court. The Attorney General should be able to absorb any additional administrative costs given its current budget.

Explanation of State Revenues: Civil penalties are capped at \$750 for each day certain violations continue and \$5,000 for each violation. Civil penalties are deposited in the State General Fund. This provision may result in an increase in revenue to the General Fund. The specific impact will depend on the number and nature of violations.

Certain activities are classified as Class A misdemeanors. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Natural Resources, Office of the Attorney General.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Carrie Bales, Executive Assistant, Department of Natural Resources, 317.232.5918.